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1.7.7PATENT2016-4000US5IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : RALPH M. STEINMAN, ET AL.
Serial No. : 09/073,596 Group Art Unit: 1644
Filed : May 6, 1998 Examiner: R. Schwadron
For : METHOD FOR IN VITRO PROLIFERATION OF DENDRITIC CELL
PRECURSORS AND THEIR USE TO PRODUCE IMMUNOGENS

ASSISTANT COMMISSIONER FOR PATENTS
Washington, D.C. 20231

RESPONSE

Sir:

This is response to the Office Action dated June 23, 1999 in the above-identified application. Applicants have petitioned and paid the appropriate fee under 37 C.F.R. §1.136 to extend the time to respond to the Office Action by five months, up to, and including December 23, 1999.

Claims 82-100 are pending in the application and are subject to restriction into three groups under 35 U.S.C. § 121 as shown below:

Group I: Claims 82-97, 99 are drawn to a composition of dendritic cells, classified in Class 424, subclass 93.71;

Group II: Claim 98: is drawn to a mixed culture, classified in Class 424, subclass 93.3; and

Group III: Claim 100: is drawn to an antigen, classified in Class 424, subclass 184.1.

The Examiner contends that the inventions of Groups I, II, and III are different products which are structurally and functionally distinct having different uses. The inventions of Groups I and II are drawn to cells, whereas invention III is drawn to an antigen. Furthermore, the Examiner contends that invention I, drawn to a homogeneous mixture of cells, is novel and unobvious in view of invention II, drawn to two different types (dendritic and T cells).

Restriction to a single Group for prosecution is required because the Examiner contends the inventions of each Group are distinct and that the search required for one group is not required for other Group since, according to the Examiner, the different inventions have acquired a separate status in the art.

Election of Group I

Applicants hereby elect without traverse the invention of Group I (claims 82-97 and 99) for prosecution in the present application.

Election of Species

Upon election of Group I, the Examiner further requires election of one of the following species for examination.

- A) dendritic cell precursor obtained from blood (claim 85);
- B) dendritic cell precursor obtained from bone marrow (claim 86)

Applicants elect the following species if a generic claim (82) is not found to be allowable.

- A) dendritic cell precursor obtained from blood (claim 85).

The following claims of Group I, read on claim 85: 82-85, 87-97 and 99.

Upon election of Group I, the Examiner further requires election of one of the following species for examination.

- A) dendritic cell precursors pulsed with self protein (claims 93, 87 and 88);
- B) dendritic cell precursors pulsed with autoantigen (claim 93);
- C) dendritic cell precursors pulsed with microorganism (claims 89, 90, 94 and 95).

Applicants elect the following species if a generic claim (82 and 83) is not found to be allowable.

C) dendritic cell precursors pulsed with microorganism (claims 89, 90, 94 and 95).

The following claims of Group I, read on claims 89, 90, 94 and 95: 82-85, 89, 90, 94-97 and 99.

Upon election of Group C, the Examiner further requires election of one of the following species for examination.

A) dendritic cell pulsed with virus antigen (claim 90);

B) dendritic cell pulsed with mycobacteria antigen (claims 94 and 95).

Applicants elect the following species if a generic claim (82 and 83) is not found to be allowable.

B) dendritic cell pulsed with mycobacteria antigen (claims 94 and 95).

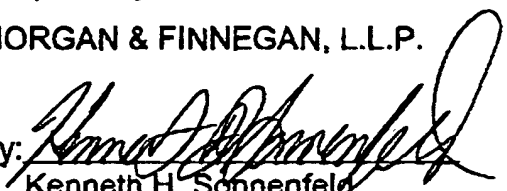
The following claims of Group I, read on claims 94 and 95: 82-85, 89, 94-97 and 99.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment, to Deposit Account 13-4500, Order No. 2016-4000US5. A DUPLICATE COPY OF THIS SHEET IS ATTACHED.

Respectfully submitted,

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Dated: December 22, 1999

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